

SENATE BILL 2085

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 37
and Title 71, relative to kinship care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following new section:

(a) As used in this section:

(1) "Department" means the department of children's services; and

(2) "Relative caregiver" means a natural person within a first, second, or third degree of relationship to the parent or the step-parent of the child.

(b) A relative caregiver shall receive payment for the full foster care rate for the care of a child even if the child has not been placed in state custody if:

(1) The child is fifteen (15) years of age or younger;

(2) The relative caregiver is twenty-one (21) years of age or older;

(3) The child has been placed in the care of the relative caregiver by a court pursuant to chapter 1, part 1;

(4) The child is at risk of entering state custody, as determined by the court that awarded custody to the relative caregiver pursuant to chapter 1, part 1;

(5) The relative caregiver's total adjusted household income does not exceed more than twice the current federal poverty guidelines based on the size of the family unit. For purposes of this subdivision (b)(5), "household income" is determined by including the income of the primary relative caregiver, the spouse of the primary relative

caregiver, and any adult children of the caregiver who are living in the same home as the relative caregiver; and

(6) The relative caregiver agrees to participate in any programs offered by the department to reduce the risk of the child entering state custody.

(c) Payment pursuant to subsection (b) is subject to the initial and continuing eligibility of the relative caregiver and the child pursuant to this section and rules promulgated by the department. There is no entitlement to payment by a relative caregiver pursuant to subsection (b).

(d) The department may establish additional requirements for payment pursuant to subsection (b); however, no such requirement shall be that the child have been or be in the custody of the department. Additional requirements may include:

(1) That the relative caregiver provide fingerprint samples and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation and the Federal Bureau of Investigation;

(2) That the relative caregiver provide personal and professional references;

(3) That the department conduct a home visit of the relative caregiver and interview the relative caregiver and any persons who reside in the relative caregiver's home; and

(4) That the relative caregiver cooperate with any activities required by the department to reduce the likelihood that the child would enter state custody, such as counseling, therapy or court sessions, or visits with family members.

(e) No later than January 1 of each year, the department shall publish a report on the payments provided by this section. The report shall include the amount of payments made pursuant to this section and the rates at which children in the custody of relative caregivers who receive payment pursuant to this section enter state custody as compared to the rates of other at-risk children.

(f) The commissioner of children's services may adopt rules and regulations necessary to carry out this section pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2019, the public welfare requiring it.